

EXHIBIT 1

From: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>
Sent: Friday, February 19, 2021 12:26 PM
To: Jessica Heinz
Cc: Andrew Obergefell; Daniel Nigh; Ben Stellpflug; Ashleigh Raso; Ruben Honik
Subject: Re: Valsartan - Aurobindo - Meet and Confer

Jessica,

Thanks for sending the stipulation. At the outset, we are glad you have agreed to five custodians, and we do agree on those names. We also do not have an objection in principle to agreeing that all personal jurisdiction defenses are preserved. We need to have a few more eyes on the stipulation and will get back to you on this soon.

In the meantime though, I went back and looked at the custodian lists for the other defendants (see ECF No. 328), and the list of custodians we have asked for from Auro India is substantially smaller than what other defendants agreed to. While we are amenable to tailoring the list so we don't have duplicative people, five custodians is insufficient to cover the areas of interest. For example, the list you agreed to does not include anyone in manufacturing, and it does not appear that we have the individuals who were in charge of interfacing with Lantech and in providing Lantech with directives on how the solvents should be recovered and recycled.

To that end, for each custodian you did not agree to, can you provide us with the reason you have not agreed to add them, and can you also provide us with custodians who would possess the documents I've described above and in prior phone calls, please?

I have pasted the list of custodians we requested below and have highlighted the agreed upon names in green for your reference:

- MV Subba Raju (Manufacturing Department)
- T Rajasekhar Reddy (Manufacturing Department)
- P. Sateesh Kumar (Manufacturing, Science, and Technology)
- GV Srinivasa Sudhakar Varma (Engineering & Utility)
- N Somasundaram (Quality Control)
- A Srinivasa Reddy (Warehouse)
- R Srinivasa Rao (Quality Assurance)
- A Srikanth (Quality Assurance)
- Mr. Mallikarjun (Unit 7 Operations Head)
- Mr. Pravatkumar Tripathy (Unit 7 Quality In-charge)
- Mr. Sarath kumar Kamavarapu (API Unit XI Quality In-charge)
- Mr. M V Rama Krishna (API Unit XI Operations Head)
- Mr. Hanumanthu Penchalaiah (Global Pharmacovigilance Head)

Thanks again,

Marlene



Marlene J. Goldenberg • Partner

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From: Jessica Heinz

Sent: Friday, February 19, 2021 10:57 AM

To: Marlene Goldenberg

Cc: Andrew Oberfell ; Daniel Nigh ; Ben Stellpflug ; Ashleigh Raso ; Ruben Honik

Subject: RE: Valsartan - Aurobindo - Meet and Confer

I just realized that I sent the proposed stipulation as a PDF. Attached, please find a Word version.

Best,

Jessica

JESSICA M. HEINZ | Partner

CIPRIANI & WERNER PC

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From: Marlene Goldenberg

Sent: Friday, February 19, 2021 11:21 AM

To: Jessica Heinz

Cc: Andrew Oberfell ; Daniel Nigh ; Ben Stellpflug ; Ashleigh Raso ; Ruben Honik

Subject: Re: Valsartan - Aurobindo - Meet and Confer

Hi Jessica,

I'm circling back on this. Can we expect answers today? We really need to get this wrapped up and will be putting this on the CMC agenda if we can't work through these other issues. I'd like to give us a chance to do that, but we need to hear back from you.

Thanks again,

Marlene



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From: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>

Sent: Thursday, February 18, 2021 9:50 AM

To: Jessica Heinz <JHeinz@c-wlaw.com>

Cc: Andrew Oberfell <aoberfell@bursor.com>; Daniel Nigh <dnigh@levinlaw.com>; Ben Stellpflug <bstellpflug@goldenberglaw.com>; Ashleigh Raso <araso@meshbesh.com>; Ruben Honik <ruben@honiklaw.com>

Subject: Re: Valsartan - Aurobindo - Meet and Confer

Jessica,

Can you let me know if you have answers for us on any of the items we discussed on Tuesday, please? As I mentioned on the call, I would really like to get custodians done this week so we can get the documents in time for the depositions.

Thanks again,

Marlene

**Marlene J. Goldenberg • Partner****GoldenbergLaw, PLLC**

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From: Jessica Heinz <JHeinz@c-wlaw.com>**Sent:** Tuesday, February 16, 2021 10:41 AM**To:** Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>**Cc:** Andrew Obergfell <aobergfell@bursor.com>; Daniel Nigh <dnigh@levinlaw.com>; Ben Stellpflug <bstellpflug@goldenberglaw.com>; Ashleigh Raso <araso@meshbesh.com>; Ruben Honik <ruben@honiklaw.com>**Subject:** RE: Valsartan - Aurobindo - Meet and Confer

Hi Marlene,

That works for me. Mary will circulate a dial-in. Attached, please find a letter regarding new proposed deposition dates and document productions. I'll send the proposed stipulation separately. That is still being finalized.

Best regards,

Jessica

JESSICA M. HEINZ | Partner**CIPRIANI & WERNER PC**

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From: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>**Sent:** Monday, February 15, 2021 8:18 PM**To:** Jessica Heinz <JHeinz@c-wlaw.com>**Cc:** Andrew Obergfell <aobergfell@bursor.com>; Daniel Nigh <dnigh@levinlaw.com>; Ben Stellpflug <bstellpflug@goldenberglaw.com>; Ashleigh Raso <araso@meshbesh.com>; Ruben Honik <ruben@honiklaw.com>**Subject:** Re: Valsartan - Aurobindo - Meet and Confer

Hi Jessica,

Thanks for the update. Does tomorrow afternoon at around 2 Central/3 Eastern work for a call? In the meantime, I think it also makes sense to get new dates for Prasad Gorjavolu and Sandra Martinez since we are still figuring out the document situation with APL.

Thank you,

Marlene

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From: Jessica Heinz <JHeinz@c-wlaw.com>

Sent: Monday, February 15, 2021 4:25 PM

To: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>

Cc: Andrew Obergfell <aobergfell@bursor.com>; Daniel Nigh <dnigh@levinlaw.com>; Ben Stellpflug <bstellpflug@goldenberglaw.com>; Ashleigh Raso <araso@meshbesh.com>; Ruben Honik <ruben@honiklaw.com>

Subject: RE: Valsartan - Aurobindo - Meet and Confer

Hi Marlene,

Thanks. I hope you had a nice weekend as well. I am still gathering new proposed dates for depositions from my clients' witnesses. I will send them to you tomorrow with a letter regarding the document productions and a draft of the stipulation that we discussed regarding APL's custodians and preservation of jurisdictional defenses. I think it will be helpful for you to have those before our next call. Please let me know if you're free to talk tomorrow afternoon.

Best regards,

Jessica

JESSICA M. HEINZ | Partner

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From: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>

Sent: Monday, February 15, 2021 10:17 AM

To: Jessica Heinz <JHeinz@c-wlaw.com>

Cc: Andrew Obergfell <aobergfell@bursor.com>; Daniel Nigh <dnigh@levinlaw.com>; Ben Stellpflug <bstellpflug@goldenberglaw.com>; Ashleigh Raso <araso@meshbesh.com>; Ruben Honik <ruben@honiklaw.com>

Subject: Re: Valsartan - Aurobindo - Meet and Confer

Jessica,

I hope you had a nice weekend. Can we touch base today about all of these items and deposition dates?

Let me know if there is a good time for you.

Thanks,

Marlene

Sent from my iPhone

On Feb 11, 2021, at 1:10 PM, Marlene Goldenberg <mjgoldenberg@goldenberglaw.com> wrote:

Jessica,

Thanks for making time to talk with me and Ruben today. For everyone's benefit, I wanted to recap our conversation and map out our plan moving forward.

We discussed again our belief that the document productions are incomplete, and we agreed that you would do the following:

1. Provide Plaintiffs with the total number of non-duplicative documents that resulted from running the search terms over all custodial files;
2. Verify that all non-custodial documents from Aurobindo Pharma Ltd. that are responsive to Plaintiffs' Rule 34 requests have been produced; and
3. Verify that all responsive SOPs have been produced, including those most closely related to the sourcing, purchase, use, quality, etc. relating to recovered solvents, and specifically those purchased from Lantech.
4. You will get back to us on whether we have an agreement on custodians. I also told you I would go back and find the additional name that had been flagged for me. That person is Dasarathi K K C- Head of Regulatory Affairs (API) Aurobindo Pharma (Aurobindo, Hyderabad). As we discussed, we are also asking that whoever was responsible for interfacing with Lantech also be added.
5. You will send us a proposal for a new deposition schedule.

I think that covers it. Please let me know if you have a different understanding of anything in here. Otherwise, I'll look forward to touching base with you tomorrow.

Thanks,
Marlene

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From: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>

Sent: Tuesday, February 9, 2021 4:32 PM

To: Jessica Heinz <JHeinz@c-wlaw.com>

Cc: Andrew Obergfell <aobergfell@bursor.com>; Daniel Nigh <dnigh@levinlaw.com>; Ben Stellpflug <bstellpflug@goldenberglaw.com>; Ashleigh Raso <araso@meshbesh.com>; Ruben Honik <ruben@honiklaw.com>

Subject: Re: Valsartan - Aurobindo - Meet and Confer

Jessica,

It was nice talking with you just now. I added some notes below to my prior email in green for both of our records. If you have questions on any of this or believe I have gotten anything wrong, please let me know.

In addition to what we discussed today, it occurred to me that if Aurobindo was concerned about waiving personal jurisdiction objections prior to agreeing to custodial discovery, it also may not have responded to our other discovery requests, even with noncustodial data. Can you tell us whether documents responsive to our discovery requests that do not depend on the negotiation of custodians have been produced to date? I believe you indicated over the phone that only documents responsive to the core discovery order had been produced. If that is the case, then we would ask that you produce all responsive, noncustodial documents without delay.

Thanks again,
Marlene

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From: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>

Sent: Tuesday, February 9, 2021 10:17 AM

To: Jessica Heinz <JHeinz@c-wlaw.com>; Ruben Honik <ruben@honiklaw.com>

Cc: Andrew Obergfell <aobergfell@bursor.com>; Daniel Nigh <dnigh@levinlaw.com>; Ben Stellopflug <bstellopflug@goldenberglaw.com>; Ashleigh Raso <araso@meshbesher.com>

Subject: Re: Valsartan - Aurobindo - Meet and Confer

Hi Jessica,

Just so we're on the same page about what we're going to cover today (and to give you a little time to prepare if you need it), here is what I am hoping we can talk about:

(1) Document Production Questions: As we discussed last week, I am hopeful you will have answers today to the following about your document production: (a) whether all court-approved search terms were in fact run over the entire custodial file for each court-approved custodian; (b) the number of documents that the search terms hit on (either by custodian on the whole); and (c) the total number of documents which were produced to us from that set.

I did locate your June 8 letter (and am attaching it here so none of us have to dig for it later).

This talks about the hit rates but does not contain hit counts. You indicated that you believe you previously provided this information to us. If you can find that, please forward it to me, and I'll be happy to review it. Otherwise, please provide us with answers to the questions above.

(2) SOPs: Whether you have an index of SOPs so that we can verify we have all applicable policies and procedures. On that note, I am also wondering if you can tell me whether an SOP on raw materials at Aurobindo would govern recovered solvents, or if there is a separate SOP on this. If the latter is the case, then I am not sure we have the correct SOPs.

As we discussed on the phone, we have looked for SOPs and located most if not all that were produced. I am concerned, however, that we do not have SOPs that cover the following:

- Procurement or purchase of solvents/recovered solvents from Lantech (Note: we located an SOP on supplier qualification for raw materials, but my understanding is that the recovered solvent is not classified as a raw material. Please let me know if I am mistaken.);
- And audits or other due diligence done on Lantech, both before purchasing solvents/recovered solvents from them, as well as any testing done on the product, audits of Lantech's facilities
- Testing or validation protocols for recovered solvents;
- Risk assessment procedures;
- Standard Testing Procedures
- Any other SOPs that govern how recovered solvents are used, how often or how long they can be reused, how often they are tested (and for what).

Again, we believe our discovery requests covered these, so these categories are not in any way meant to narrow our prior requests, and to the extent you locate other SOPs which are responsive to those requests, we ask that those also be produced.

(3) Custodians from Aurobindo Pharma, Ltd.: Here is the list of individuals we'd like to discuss this afternoon on the call, along with some limited information we have been able to glean from the documents or our prior exchanges:

- MV Subba Raju (Manufacturing Department)
- T Rajasekhara Reddy (Manufacturing Department)
- P. Sateesh Kumar (Manufacturing, Science, and Technology)
- GV Srinivasa Sudhakar Varma (Engineering & Utility)
- N Somasundaram (Quality Control)
- A Srinivasa Reddy (Warehouse)
- R Srinivasa Rao (Quality Assurance)
- A Srikanth (Quality Assurance)
- Mr. Mallikarjun (Unit 7 Operations Head)

- Mr. Pravatkumar Tripathy (Unit 7 Quality In-charge)
- Mr. Sarath kumar Kamavarapu (API Unit XI Quality In-charge)
- Mr. M V Rama Krishna (API Unit XI Operations Head)
- Mr. Hanumanthu Panchalaiah (Global Pharmacovigilance Head)

We have agreed to try to reach agreement on this and further agree this issue may not be ripe for the court conference this week. Nonetheless, we ask that you get back to us with responses on these custodians this week.

(4) Privilege Log: As Adam mentioned on the most recent call with the Court, we are hoping you will provide us with a cast of characters for each person who appears on the privilege log so we can properly evaluate it. Once we get that, we should be able to set up a time to discuss any entries we have questions on.

You are going to check with your client and give us a thumbs up or down in time for us to address this with the court if we need to this week.

Finally, we also discussed that in the production we received from APL only included 22 documents mentioning Lantech. In Aurobindo's correspondence with the FDA that is has produced to date, the company informed the FDA that Lantech's solvent recovery was to blame for the nitrosamine contamination. Based on that, it seems odd that there are so few documents mentioning Lantech that have been produced to date. Thank you for agreeing to check that we have received all documents responsive to the Core Discovery obligations.

We're looking forward to speaking with you this afternoon, but let me know if there is anything else you need from me/us in advance to allow you to look into any of these things.

Thanks,
Marlene

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GoldenbergLaw, PLLC

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From: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>

Sent: Thursday, February 4, 2021 9:48 AM

To: Jessica Heinz <JHeinz@c-wlaw.com>; Ruben Honik <ruben@honiklaw.com>

Cc: Andrew Obergefell <aobergefell@bursor.com>; Daniel Nigh <dnigh@levinlaw.com>; Ben Stellpflug <bstellpflug@goldenberglaw.com>; Ashleigh Raso <araso@meshbesh.com>

Subject: Re: Valsartan - Aurobindo - Meet and Confer

Jessica,

Thanks for confirming and for sending the dial-in. And we appreciate you adding Sanjay Singh as a custodian. Let me touch base with Andrew today, and we'll do our best to get you a more concrete ask regarding the SOPs in advance of the call tomorrow.

Thanks,
Marlene

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GoldenbergLaw, PLLC

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From: Jessica Heinz <JHeinz@c-wlaw.com>

Sent: Thursday, February 4, 2021 9:46 AM

To: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>; Ruben Honik

<ruben@honiklaw.com>

Cc: Andrew Obergfell <aobergfell@bursor.com>; Daniel Nigh <dnigh@levinlaw.com>; Ben Stellpflug <bstellpflug@goldenberglaw.com>; Ashleigh Raso <araso@meshbeshesher.com>

Subject: RE: Valsartan - Aurobindo - Meet and Confer

Hi Marlene,

No problem at all. You are never a pest. Hope all is well. 11:30 CST/12:30 EST works for me tomorrow. I can circulate a dial-in if that works for you. We will agree to add Sanjay Singh as a custodian. Also, as a follow up to my call with Andrew, kindly be advised that we do not concede the relevance of the cGMPs in the Master Complaints. Plaintiffs can ask about them during the depositions. We may object if questioning starts to go beyond the macro discovery Order. I'm hopeful that will not happen. We have no cGMPs to add. Regarding SOPs, are there any that Plaintiffs have in mind that I can discuss with my clients before our call?

Best regards,

Jessica

JESSICA M. HEINZ | Partner

CIPRIANI & WERNER PC

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From: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>

Sent: Thursday, February 4, 2021 10:32 AM

To: Ruben Honik <ruben@honiklaw.com>; Jessica Heinz <JHeinz@c-wlaw.com>

Cc: Andrew Obergfell <aobergfell@bursor.com>; Daniel Nigh <dnigh@levinlaw.com>; Ben Stellpflug <bstellpflug@goldenberglaw.com>; Ashleigh Raso <araso@meshbeshesher.com>

Subject: Re: Valsartan - Aurobindo - Meet and Confer

Hi Jessica,

I'm following up on this. Sorry to be a pest, but I know schedules are filling up quickly, so I'd like to get this on the calendar.

Thanks again,

Marlene

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From: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>

Sent: Wednesday, February 3, 2021 11:39 AM

To: Ruben Honik <ruben@honiklaw.com>; Jessica Heinz <JHeinz@c-wlaw.com>

Cc: Andrew Obergfell <aobergfell@bursor.com>; Daniel Nigh <dnigh@levinlaw.com>; Ben Stellpflug <bstellpflug@goldenberglaw.com>; Ashleigh Raso <araso@meshbeshesher.com>

Subject: Re: Valsartan - Aurobindo - Meet and Confer

Hi Jessica,

If you guys have a time set for Friday, I can certainly join that call. Otherwise, can we set a time now so we can cover everything? I'll start the bidding at 11:30 CST/12:30 EST.

As for Palew and Singh, I apologize- you are correct that Singh is a custodian and Palew is not. Can you let us know if you will agree to add Singh as a custodian, please? On Palew, this is obviously a more pervasive question that goes to the topics in my first email, but he only has 70 documents in his custodial file. If he really is relevant enough to be a 30(b)(6) witness, I have a hard time believing that he only had 70 documents responsive to the document requests, but we can discuss that in more detail on Friday.

Can everyone let me know if 11:30 on Friday works for a call? My backup option, depending on what happens with the deposition schedule is 3:45 or 4 Central/4:45 or 5 EST, but I know that's a tough sell on a Friday.

Thanks again,
Marlene

Marlene J. Goldenberg • Partner
GoldenbergLaw, PLLC

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From: Ruben Honik <ruben@honiklaw.com>

Sent: Wednesday, February 3, 2021 7:16 AM

To: Jessica Heinz <JHeinz@c-wlaw.com>

Cc: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>; Andrew Obergfell <aobergfell@bursor.com>

Subject: Re: Valsartan - Aurobindo - Meet and Confer

No worries. Thanks.

Ruben Honik
215.327.9166
ruben@honiklaw.com

On Feb 3, 2021, at 8:15 AM, Jessica Heinz <JHeinz@c-wlaw.com> wrote:

I'm so sorry Reuben. I mixed up your names. I will make sure I copy you going forward.

Best regards,

Jessica

JESSICA M. HEINZ | Partner

CIPRIANI & WERNER PC

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From: Ruben Honik <ruben@honiklaw.com>
Sent: Wednesday, February 3, 2021 8:14 AM
To: Jessica Heinz <JHeinz@c-wlaw.com>
Cc: Marlene Goldenberg <mjgoldenberg@goldenberglaw.com>; Andrew Obergfell <aobergfell@bursor.com>
Subject: Re: Valsartan - Aurobindo - Meet and Confer

Jessica,

Just as an FYI, it was me who brought up the custodial file of Singh. Please make sure you cc me on all matters Auro, especially as Daniel may have limited availability this week.

Thank you.

Ruben Honik
215.327.9166
ruben@honiklaw.com

On Feb 3, 2021, at 8:05 AM, Jessica Heinz <JHeinz@c-wlaw.com> wrote:

Hi Marlene,

Unfortunately, I'm tied up today. Are you available Friday? I had a good conversation with Andrew, Daniel and John on Monday and told them I would do my best to get back to them by the end of this week. Does that work for you?

Regarding David Palew, I think you may be confusing him with Sanjay Singh. We already produced David's custodial file. I told Daniel that I would get back to him regarding Sanjay.

I also said I would get back to them regarding the sales and pricing spreadsheets that we produced. Kindly be advised that those were produced in production volume: Auro-MDL 2875-011; bates range: Auro-MDL 2875-0080291 to Auro-MDL 2875-0080293.

Best regards,

JESSICA M. HEINZ | Partner

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From: Marlene Goldenberg
<mjgoldenberg@goldenberglaw.com>
Sent: Tuesday, February 2, 2021 4:42 PM
To: Jessica Heinz <JHeinz@c-wlaw.com>; Ethan Feldman

<EFeldman@c-wlaw.com>

Cc: Valsartan PEC (valpec@kirtlandpackard.com)
<valpec@kirtlandpackard.com>; Andrew Obergfell
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<araso@meshbesh.com>

Subject: Valsartan - Aurobindo - Meet and Confer
Jessica and Ethan,

Are you both available tomorrow at 11:00 EST to talk through a few things regarding Aurobindo?

Just so there aren't any big surprises, here is what I am hoping to cover:

- **Documents from Aurobindo Pharma Ltd.:** It is my understanding that we have no custodians from the Indian entity and therefore very few documents. As you know, our 30(b)(6) depositions cover the entire Auro family of entities in the case. If your witnesses intend to testify on behalf of Aurobindo Pharma, Ltd, we need to know that we have all documents that are going to be relevant to those topics.
- **Custodial File for David Palew:** He is your designee for many, if not most, of the most important 30(b)(6) topics. We are officially requesting that you add him as a custodial file and produce his documents.
- **How you searched for documents that have been produced so far:** As you know Aurobindo's document production is many times smaller than those of the other defendants. As we've discussed on the phone, it is difficult for us to know what we are missing. Therefore, we are hoping you can provide us with a letter that explains (1) How you searched for documents; (2) What files (custodial and noncustodial) were searched as to each entity; (3) How many documents were collected for review as a result of your collection, (4) how many documents in custodial files hit on search terms, and (5) how were actually produced of that set.
- **Standard Operating Procedures:** It is my understanding that we are missing any of these and that you discussed these on a call with Andrew yesterday. Please let us know when we can expect to receive these.

Please let me know if 11:00 works tomorrow or if there is a better time to discuss these topics.

Thanks,
Marlene

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